

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(ECF)

MARK NUNEZ, et al.,

: 11 Civ. 5845 (LTS) (JCF)

Plaintiffs,

: O R D E R

- against -

CITY OF NEW YORK, et al.,

Defendants.

JAMES C. FRANCIS IV

UNITED STATES MAGISTRATE JUDGE

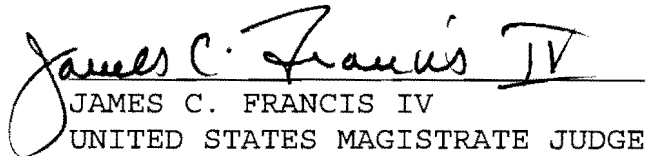
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Plaintiffs having submitted a letter application dated October 3, 2012, seeking an order overruling defendants' objections to producing documents that pre-date November 1, 2009 in response to Plaintiffs' First Set of Discovery Requests Relating to Class Certification, it is hereby ORDERED as follows:

1. Plaintiffs' application is granted. The release in Ingles v. Toro, 01 Civ. 8279 (DC), precludes claims for injunctive relief arising after November 1, 2009; it does not prevent discovery of information prior to that date in relation to claims accruing thereafter. This distinction is consistent with the language of the release, and its logic can be illustrated with an example. If there was widespread abuse of inmates by correction officers on November 2, 2009, the inmates would not be barred by the Ingles release from initiating a new action, and it is inconceivable that the scope of discovery would be limited to a period of one day.

2. Plaintiffs have not articulated the rationale for choosing April 4, 2006 as the look-back date for discovery, nor have they explained how the discovery now sought relates to the information that they had access to under the monitoring provisions of the Ingles settlement. Accordingly, while discovery is not limited to the period after November 1, 2009, any further disputes regarding scope may be presented to me after counsel have met and conferred.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
October 11, 2012

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